

HUMAN RESOURCES PROGRAM, BOARD AND OFFICE

SECTION 3.15.1 – PURPOSE AND INTENT

The purpose of this bylaw is to ensure the establishment of fair and equitable Human Resources policies for the Town of Brookline and its employees; and to provide a system of Human Resources administration that is uniform, fair, and efficient and which represents the mutual interests of the citizens of the Town and the employees of the Town.

SECTION 3.15.2 - HUMAN RESOURCES PROGRAM TO BE CONSISTENT WITH ACCEPTED MERIT PRINCIPLES AND APPLICABLE STATE AND FEDERAL LAWS

The Town of Brookline Human Resources program shall be consistent with all applicable State and Federal Laws and with well accepted merit principles, which include, but are not limited to:

- (a) the recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills including open consideration of qualified applicants for initial appointment;
- (b) providing just compensation for all employees;
- (c) providing training and development for employees, as needed, to assure the advancement and high quality performance of such employees;
- (d) retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, sexual orientation, marital status, handicap or religion and with proper regard for privacy, basic rights outlined in this chapter and constitutional rights as citizens, and;
- (f) assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.
- (g) In cooperation with the Department of Human Relations-Youth Resources, striving for diversity in the Town workforce by, among other things, adhering to the Town's affirmative action guidelines, and generally assuring an environment throughout Town government that fosters community relations, mutual respect, understanding and tolerance.

SECTION 3.15.3 - APPLICATION

All Town Departments and employees in those departments, except the School Department, and Department Heads/Senior Administrators as defined by the Board of Selectmen, shall be subject to the provisions of this by-law.

SECTION 3.15.4 – CONFLICT WITH COLLECTIVE BARGAINING CONTRACTS

In the event of a conflict between the provisions of this bylaw and policies adopted hereunder and the provisions of any duly executed collective bargaining agreement, the provisions of the collective bargaining contract shall prevail.

SECTION 3.15.5 – HUMAN RESOURCES BOARD

There shall be a Human Resources Board (the Board), comprised of five (5) residents of the town, for three (3) year staggered terms, appointed by the Board of Selectmen. No elected officials, except Town Meeting Members, no members of the Advisory Committee, no members of any standing Board or committee having charge of the expenditure of money, and/or employees and retirees of the Town shall be appointed to the Board. Members shall serve without compensation.

The Board shall hold meetings at least once a month at such time as it may determine unless there is not current business before it. Additional meetings may be held at such times as the Board may determine.

Annually, at its first meeting after the annual appointment process, the Board shall organize by electing a chairman and a secretary, who shall be members of the Board and shall hold office for one (1) year, or until their successors are elected and qualified.

Members of the Personnel Board at the time of the adoption of this bylaw shall be members of the Human Resources Board for the duration of their term(s), and shall be eligible for reappointment.

Candidates for the Human Resources Board must be qualified for such appointment by virtue of relevant and significant experience or training, including service as Human Resources executives, as labor or employment law lawyers; as business executives; or as Human Resources/employment or labor law academicians; or by equivalent qualifications.

The Board of Selectmen/Town Administrator shall provide sufficient staff assistance to the Board so that it can accomplish its tasks.

SECTION 3.15.6 – FUNCTIONS OF THE HUMAN RESOURCES BOARD

The Human Resources Board shall 1) provide general recommendations for the Human Resources program; 2) adjudicate grievances and/or complaints arising under the provisions of this bylaw or policies/plans established hereunder; 3) adjudicate grievances arising under the provisions of the Town labor contracts as provided by such contracts or as assigned by the Board of Selectmen; 4) Review and approve, subject to staffing levels established by the Board of Selectmen, the title or classification and pay grade of each new or changed position subject to this bylaw, prior to Board of Selectmen final budget review and/or the effective date of any of the title/classification or pay grade changes; 5) perform special studies or projects as requested by the Board of Selectmen; 6) report at least annually to the Board of Selectmen regarding the

human resources program/practices and any recommended changes therein, and 7) consider and recommend to the Board of Selectmen the adoption, modification and elimination of Human Resources policies.

SECTION 3.15.7 - HUMAN RESOURCES OFFICE

There shall be a Human Resources Office (the Office) which shall be a unit of the Selectmen's Office. The Human Resources Director (the Director) appointed by the Board of Selectmen on recommendation of the Town Administrator in accordance with the Town Administrator Enabling Act, Chapter 270 of the Acts of 1985, as amended, shall be responsible for the administration of the Office and the Human Resources Program, including attendance at all meetings of the Human Resources Board.

The Human Resources Director shall be a Department Head/Senior Administrator and shall report to the Town Administrator.

SECTION 3.15.8 – FUNCTIONS OF THE HUMAN RESOURCES OFFICE

The functions of the Human Resources Director shall include, but not be limited to the following: staff responsibility for negotiation and administration of labor contracts; recruitment and employment of employees; administration of sexual harassment policy; group health and life insurance; worker's compensation; safety; unemployment compensation; employee training and evaluation; monitoring and administration of employee leave; and other Human Resources programs or benefits and any other function assigned by the Town Administrator.

The Human Resources Director shall ensure that all Human Resources activities are conducted in accordance with current professional standards.

SECTION 3.15.9 – HUMAN RESOURCES POLICIES

Written policies to implement the Town's Human Resources program, as approved by the Board of Selectmen, shall be developed and adopted under the authority of this bylaw.

Written Human Resources Policies including, without limitation, existing classification and salary grade plans, miscellaneous regulations affecting salaries and the general provisions of the pay plan, existing at the time of adoption of this bylaw shall remain in effect until changed or abolished.

Human Resources Policies may be adopted, changed, or deleted by the Board of Selectmen upon recommendation by the Human Resources Board or Human Resources Director. All policies shall be in written format and copies shall be filed and available in the Human Resources Office for review by the public at reasonable times during normal business hours.

Any new/modified Human Resources policies which require the expenditure of Town funds shall not be implemented until such funds have been appropriated by Town Meeting.

Employees may request adoption, modification, or deletion of policies by written request to the Human Resources Board. In such cases, the Human Resources Board shall meet with the employees to discuss the requests.

SECTION 3.15.10 – POSITION CLASSIFICATION AND PAY PLAN

A position Classification and Pay Plan for all employees covered by this bylaw shall be established by the Human Resources Director and approved by the Human Resources Board and the Town Administrator. The Plan shall be in written format and copies shall be available in the Human Resources Office for review by the public at reasonable times during normal business hours. Only job titles specified in the Classification and Pay Plan, or abbreviations approved by the Human Resources Director, shall be used for all official purposes.

The Classification and Pay Plan may be amended by additions, changes or deletions by the Human Resources Director with approval of the Human Resources Board and the Town Administrator.

Any changes in the Classification and Pay Plan which require expenditure of Town funds shall not be implemented until such funds have been appropriated by Town Meeting, except in emergency cases with the approval of the Board of Selectmen and the Advisory Committee.

Employees may request changes to the Classification and Pay Plan by written request to the Human Resources Director. In such cases the Human Resources Director shall meet with the employees to discuss the requests. The Human Resources Director shall advise the Human Resources Board of all requests denied by the Director and the reasons therefor. The Human Resources Board may request reconsideration if deemed appropriate.

No person shall be newly appointed, promoted, employed or paid as an employee in any position subject to the provisions of this bylaw except for short periods of emergency service unless such position, on a case by case basis, has been reviewed by the Human Resources Director and a determination made that the position is properly classified and graded.

SECTION 3.15.11 - GRIEVANCE PROCEDURE

The following grievance procedure shall be available to those employees of the Town whose rights under the Human Resources bylaw have, in their opinion, been prejudiced in any way and covering all grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal boards or agencies. As used in this section, the word "grievance" shall be construed to mean any dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors. Expressed time limits must be observed except in cases where it is impossible to do so, or where the parties mutually agree in writing to extend the time limits.

- Step I. The employee shall take up his grievance orally with his immediate supervisor within fifteen (15) calendar days of the occurrence of the grievance. The supervisor shall reach a decision and communicate it orally to the employee within seven (7) calendar days of the date of the submission of the grievance.
- Step II. If the grievance is not settled at Step I, the employee shall within five (5) working days present his grievance in writing to his supervisor who shall forward it to the Department Head who shall hold a hearing within five (5) working days if required. At this hearing there shall be present the employee and one (1) representative if he requests it, his supervisor, the Department Head and the Human Resources Director, who shall also be the recorder. Within five (5) working days of the hearing, the Department Head shall render his decision in writing to the employee.
- Step III. If the grievance is not settled at Step II, all records and facts in the case shall be referred to the Human Resources Board for adjudication. Those present at Step II shall appear at this hearing. The Human Resources Director shall be the recorder. Within ten (10) working days of the hearing which shall be the next regular meeting of the Board except in cases of emergency, the employee shall be notified in writing through the Department Head as to the decision of the Board which shall be final.